

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

22-CR-176-LJV-JJM
DECISION & ORDER

ANDRE VERNON,

Defendant.

1. On April 25, 2024, the defendant, Andre Vernon, pleaded guilty to Count 1 of the Superseding Information charging a violation of Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing methamphetamine). Docket Item 85.

2. On April 25, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 87.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 87), the plea agreement (Docket Item 85), the Superseding Information (Docket Item 84), a transcript of the plea proceeding (Docket Item 92), and the applicable law. Based on that review, this Court conducted a subsequent plea colloquy on August 21, 2024.

5. With the addition of this Court's subsequent plea colloquy, the Court adopts Judge McCarthy's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the Superseding Information.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's April 25, 2024 Report & Recommendation, Docket Item 87, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Andre Vernon is now adjudged guilty under Title 21, United States Code, Section 846).

SO ORDERED.

Dated: August 21, 2024
Buffalo, New York


LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE